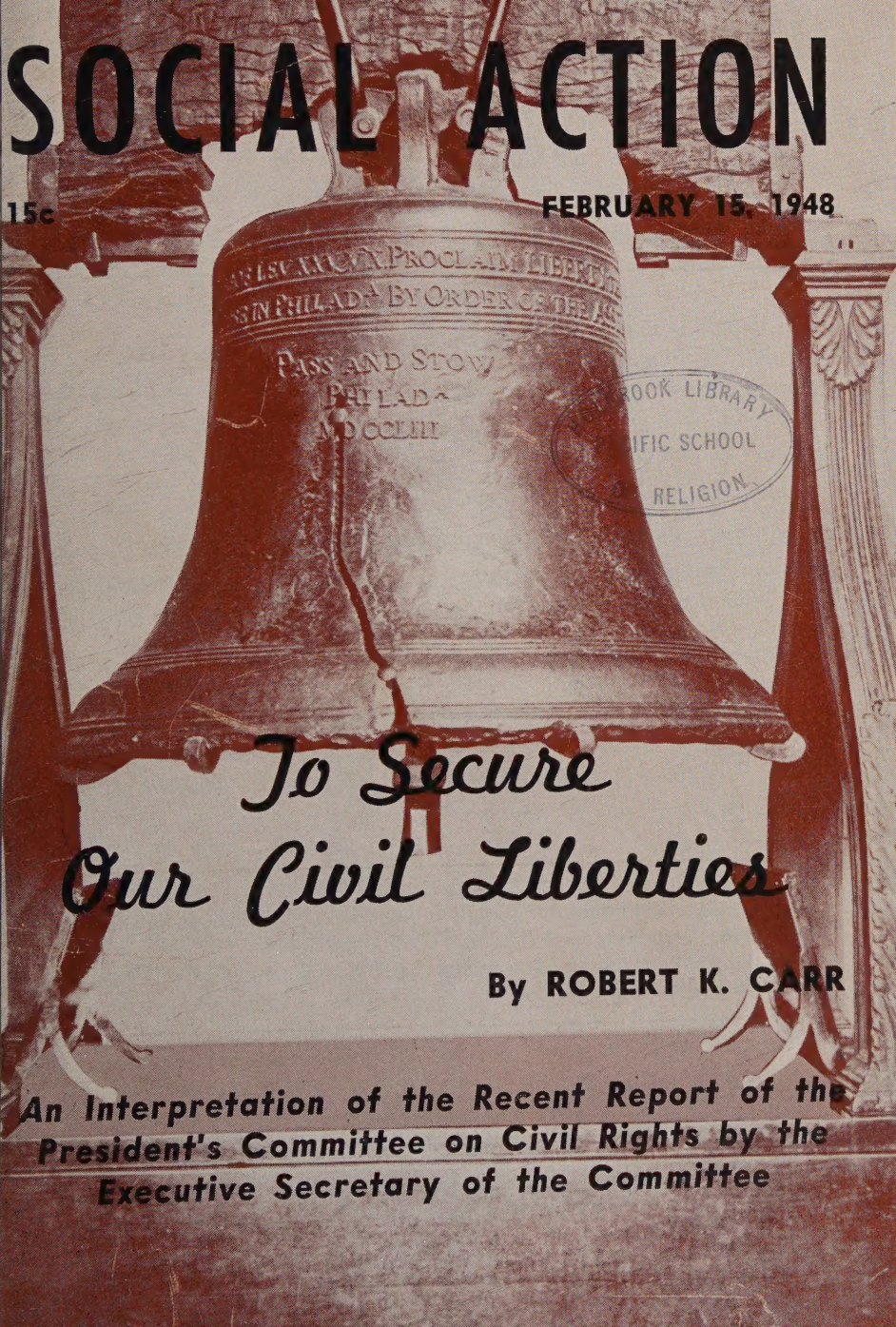


SOCIAL ACTION

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FEBRUARY 15, 1948



To Secure Our Civil Liberties

By **ROBERT K. CARR**

**An Interpretation of the Recent Report of the
President's Committee on Civil Rights by the
Executive Secretary of the Committee**

SOCIAL ACTION Magazine

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LISTON POPE, *Editor*

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A Most Significant Public Document

In December, 1946, President Truman created the "President's Committee on Civil Rights," for the purpose of studying current means and recommending more adequate measures "for the protection of the civil rights of the people of the United States." The Committee was composed of fifteen of the nation's well-known leaders in the field of civil liberties and minority problems. After many months of intensive study, the Committee released its report on October 29, 1947, under a title taken from the Declaration of Independence, *To Secure These Rights*.^{*} Beyond question, this report is the most significant public document on civil rights to appear in the United States in many decades.

Social Action is privileged to present a summary of the principal points of the Report, prepared by Professor Robert K. Carr, who was the Executive Secretary of the President's Committee. This summary provides no substitute for a careful reading of the entire report. But we hope hereby to contribute to a wider reading and more intensive discussion of the Report and its recommendations. The latter will be translated into public policy only as an informed and aroused citizenry presses for their adoption. In our day, the price of liberty has come to be not only eternal vigilance but also aggressive, positive action. As Professor Carr makes abundantly clear, the time for such action is now.

—L. P.

^{*}*To Secure These Rights* is available from the Government Printing Office, Washington 25, D.C., for \$1.00. It has been republished at the same price by Simon and Shuster, and can be obtained at most booksellers. The Newspaper PM (Box 81, Times Square Station, New York, N. Y.) reprinted the entire text in its edition on Sunday, November 2, 1947; single copies can be secured for 10c. (stamps acceptable), 100 to 500 copies may be purchased at 5c. each, 500 or more copies at 3½c. each.

To Secure Our Civil Liberties

By ROBERT K. CARR

Segregation of peoples, whether based on race, color, creed, or national origin, must be eliminated from the American way of life. This is the clear—and sobering—conclusion reached by the President's Committee on Civil Rights after an extended study of America's record in dealing with civil liberties and minority problems—a study undertaken, at the direction of President Truman, by fifteen of the nation's most thoughtful and competent leaders in the realm of human rights.

THE FAILURE OF SEGREGATION

In particular, the President's Committee rejects the proposition that Negroes and whites should live apart from one another in accordance with the *separate but equal* plan. The theory of this plan is that the races should enjoy those services and facilities that modern man has a right to expect in a civilized, democratic society on an equal, but strictly separate basis. The plan is found by the Committee to have three serious shortcomings.

Denial of American Tradition

First, and most important perhaps, the separate but equal doctrine cannot be reconciled with the American tradition of freedom and equality. While under it the Negro is theoretically given access to all the rights, privileges, and services of our society, he is nonetheless branded with the mark of inferiority and told in effect that he is not fit to associate with white people. In varying degrees the same policy has been followed as to the Indian, the Mexican American, the Japanese American and other "minorities." No amount of rationalization by the defenders of the separate but equal policy can ever explain how a nation which has a proud political philos-

ophy of freedom and democracy, and which follows the Christian teachings concerning the brotherhood of man, can accept the social pattern of racial segregation.

When in 1896 the Supreme Court, in one of the most shocking decisions in its history, interpreted away the substance of the Civil War Amendments to the Constitution and ruled that enforced segregation of the races based on law is permissible, Justice Harlan protested and asserted,

We boast of the freedom enjoyed by our people above all other people. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law.

Separate—and Unequal

Second, the separate but equal policy is said to have failed in practice. In the Committee's words the policy "is one of the outstanding myths of American history for it is almost always true that while indeed separate, . . . facilities are far from equal." Throughout the Report evidences are noted of inequalities in the services provided members of the segregated races. Separate governmental services in such fields as education, public health, public housing, and parks and other recreational facilities remain inferior almost everywhere, in spite of the improvements that have gradually taken place. Even in the city of Washington, our national capital, the higher

THE AUTHOR

Robert K. Carr, Executive Secretary of the President's Committee on Civil Rights, has been a member of the Dartmouth faculty—Department of Government—since 1937. Before that he taught Government at the University of Oklahoma for six years. He received a Ph.D. from Harvard in 1935. He is the author of *Democracy and the Supreme Court* (1936); *The Supreme Court and Judicial Review* (1942); *Federal Protection of Civil Rights: Quest for a Sword* (1947). The last volume has just been published by the Cornell Press and is a study of the Civil Rights Section of the Department of Justice.

Dr. Carr spent the period from February to October, 1947, in Washington working for the Civil Rights Committee. The Report was released October 29th. Over 300,000 copies have so far been distributed.

moral values of the whole citizenry of the nation have not been strong enough to prevent the imposition of the pattern of segregation upon the life of the community; nor have the superior financial resources of the federal government been sufficient to guarantee the equality of the separate services provided Negroes with those provided whites.

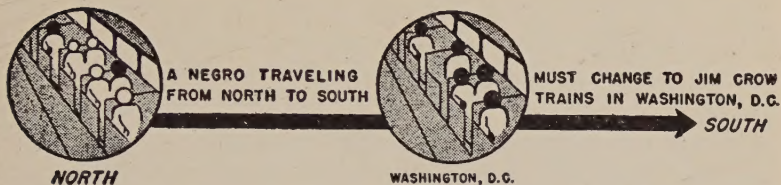
Shocking as are the inequalities that still remain in governmental services where segregation is the rule, the inadequacy of services provided Negroes and other "separated" races by private agencies is even more pronounced. For example, in the District of Columbia the Committee discovered that publicly-supported hospitals and other health facilities available to Negroes are far from adequate, but it was particularly disturbed by the failure of privately-operated agencies to give the Negro fair treatment, or even to meet his minimum needs. The Committee found it "peculiarly shocking" that church hospitals were practicing discrimination in the District of Columbia.

It is hardly necessary to labor the point about the inequality of separate facilities. For example, as recently as the school year 1943-44, in all but three of the seventeen states maintaining segregated schools, the average annual salary paid Negro teachers was lower than that paid white teachers. In several of these states Negro teachers received less than half as much compensation as did white teachers. In 1940 the ratio of Negro physicians to the total Negro population was one to 3,377; the ratio of all physicians to the total population was one to 750. Or again, the United States Public Health Service estimates that only about one per cent of all the hospital beds in the country are presently available to Negroes. Negroes constitute ten per cent of our national population.

Can it be doubted that after eighty years of experience with segregated facilities, and in spite of vigorous efforts to improve them, these facilities remain "far from equal"?

THE NATION'S CAPITAL

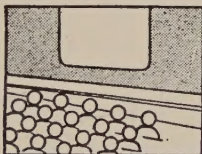
A SYMBOL OF FREEDOM AND EQUALITY?



IF HE DECIDES TO REMAIN IN D. C. OVERNIGHT HE WILL FIND THAT:



HE CANNOT EAT IN A DOWNTOWN RESTAURANT.



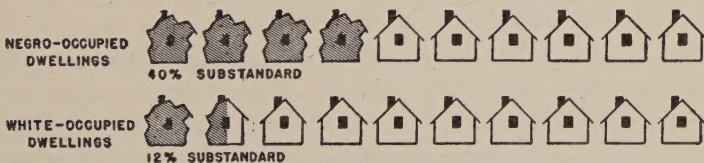
HE CANNOT ATTEND A DOWNTOWN MOVIE OR PLAY.



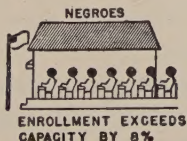
HE CANNOT SLEEP IN A DOWNTOWN HOTEL.

IF HE DECIDES TO STAY IN D. C.

➡ HE USUALLY MUST FIND A HOME IN AN OVERCROWDED, SUB-STANDARD, SEGREGATED AREA:



➡ HE MUST SEND HIS CHILDREN TO INFERIOR JIM CROW SCHOOLS:



➡ HE MUST ENTRUST HIS FAMILY'S HEALTH TO MEDICAL AGENCIES WHICH GIVE THEM INFERIOR SERVICES:



● ● HOSPITALS IN THE DISTRICT OF COLUMBIA EITHER DO NOT ADMIT NEGROES OR ADMIT THEM ON A SEGREGATED BASIS

Segregation Maintains Tension

The third objection to the separate but equal policy is that it has institutionalized segregation and kept racial groups apart despite significant evidence that these groups can live and work together in harmonious fashion. The Committee takes notice in its Report of three recent studies conducted by reputable social scientists which show that racial prejudices and antagonisms are lessened wherever normal social contacts are permitted to exist between persons of different races.

One of these studies tested the attitudes of white soldiers, many of them from the South, who had worked and fought side by side with Negro troops for many months during the fighting in France in 1945. Two out of three white men said they had originally been opposed to the idea of fighting with colored troops. Three out of four said that their feelings concerning the Negro soldier had changed as a result of the experience. Further questioning revealed that "the closer white infantrymen had been to the actual experience of working with Negroes in combat units the more willing they were to accept integrated Negro platoons in white companies as a good idea for the future."

The second study was based on a series of questions asked more than 400 merchant seamen. "Here again what determined whether a white man was prejudiced against Negroes was the kind and amount of experience he had had with them. Where there was contact with Negroes on an equal footing in a situation of mutual dependence and common effort prejudice declined."

Contact Promotes Harmony

The final study concerned the changing attitudes of people who had lived together in an interracial housing project in a northern city. At the beginning only one out of every 25 whites thought the project would be a success. After a few years, one out of every five whites thought that race relations were



—Acme

President Truman is shown receiving their report from his special Committee on Civil Rights. Left to right, the members of the Committee are: The Most Rev. Francis J. Haas, Bishop of Grand Rapids, Mich.; Rabbi Roland B. Gittelsohn of Rockville Centre, Long Island; Mrs. Sadie T. Alexander, assistant city solicitor of Philadelphia; James B. Carey, secretary-treasurer of the C.I.O.; Franklin D. Roosevelt, Jr., lawyer; Mrs. M. E. Tilly of Atlanta, Social Relations secretary, Women's Society, Methodist Church; Channing H. Tobias (partly hidden), director of the Phelps-Stokes Fund; Charles E. Wilson, chairman, president of the General Electric Co.; Boris Shishkin, economist for the A. F. of L.; Charles Luckman of Cambridge, Mass., president of Lever Brothers; Francis P. Matthews, Omaha lawyer and former supreme knight of the Knights of Columbus. Members of the Committee not shown here are: John S. Dickey, president of Dartmouth College; Morris L. Ernst, New York attorney and author; Frank P. Graham, president of the University of North Carolina; The Right Rev. Henry Knox Sherrill of Boston, presiding Bishop of the Episcopal Church.

better than he had expected, and, among those whites who had expected really serious trouble, three out of four admitted that their fears had been groundless. Moreover, those whites who also worked with Negroes showed a greater willingness to live with them than those who did not work with them. This led the President's Committee to conclude that "the more institutions there are in any community in which Negroes and

whites may meet together normally, the less prejudice will be found." And again it is asserted that "where the artificial barriers which divide people and groups from one another are broken, tension and conflict begin to be replaced by cooperative effort and an environment in which civil rights can thrive."

The Committee is careful to point out that an end to segregation will not mean an unwarranted interference with the private life of the individual. In a free society the individual must have the right to choose his own friends and to determine the pattern of his personal and family life. But the Committee sees no inconsistency "between this freedom and a recognition of the truth that democracy also means that in going to school, working, participating in the political process, serving in the armed forces, enjoying government services in such fields as health and recreation, making use of . . . public accommodation facilities, and living in specific communities and neighborhoods, distinctions of race, color, and creed have no place."

GOVERNMENT'S RESPONSIBILITY

The national government of the United States must take the lead in safeguarding the civil rights of all Americans. In these words the President's Committee on Civil Rights has stated one of the central theses of its Report. While this will seem to many people to be a stand which the Committee could not have avoided, federal protection of our basic liberties is not an American practice of long standing. In fact, full acceptance of the Committee's recommendations concerning new federal civil rights legislation would mark a significant departure from certain traditions. It is important that the implications of this departure, and the reasons which led the President's Committee to advocate it, be widely understood and accepted.

The Constitution and Civil Rights

America has a great—but often misunderstood—civil liberties tradition. The heart of this tradition, and of a great part of the misunderstanding too, lies in our Bill of Rights—in

other words, in the first Ten Amendments to the Constitution. It is here that our inalienable rights are enumerated. It is here that the great freedoms of speech, press, religion and assembly are set forth. It is here that the age-old guarantees of Anglo-American justice are found—the rights to trial by jury, to be informed of the nature of the charge against one and to confront one's accusers, to freedom from unreasonable search and seizure, from cruel and unusual punishment and from self-incrimination. Yet all too few people realize that these rights as enumerated in the Constitution are safeguarded only against action by the national government. In other words, the federal government, according to the Bill of Rights, is the villain—not the chief guardian of our sacred liberties!

It has been said that the men who draft a bill of rights have a natural tendency to look back to the evils of the past rather than forward to the evils of the future. In 1789, looking backward, Americans had good cause to fear the tyranny of government. For three centuries of English history man's most basic freedoms had again and again been threatened by political agencies. Accordingly, our Founding Fathers felt they had good reason to distrust the arbitrary exercise of power by the central government. Determined to prevent a re-

LAND OF THE FREE

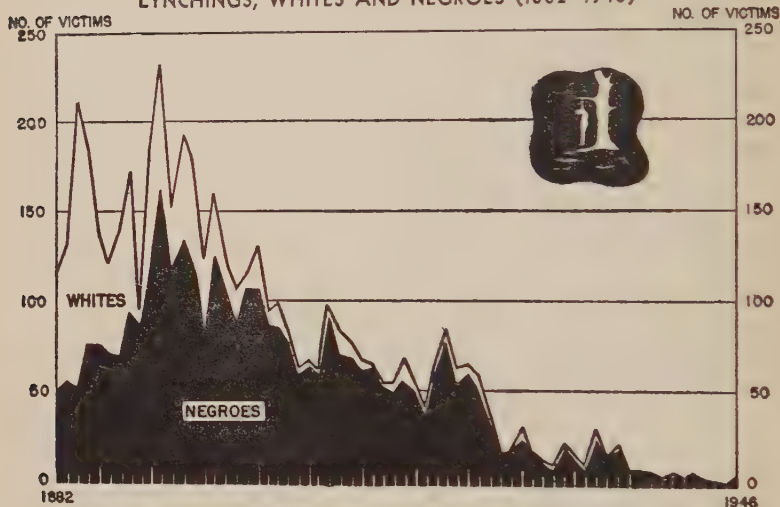
In 1946 the National Opinion Research Center conducted a public opinion poll on the American Bill of Rights. It discovered that 31 per cent of those questioned had either not heard of the Bill of Rights or could not be certain that they had, 36 per cent reported that they had heard of it but did not know what it was, and 12 per cent who thought they knew about it revealed by their answers that they really did not. Only 21 per cent were fairly accurate in describing the Bill and its contents. Less than half of the college-trained persons had clear knowledge about the Bill, and less than a tenth of those with little education.

Further, it was found that one American in three did not appear really to believe in free speech; for example, he did not think that newspapers should be allowed to criticize the government, even in peacetime.

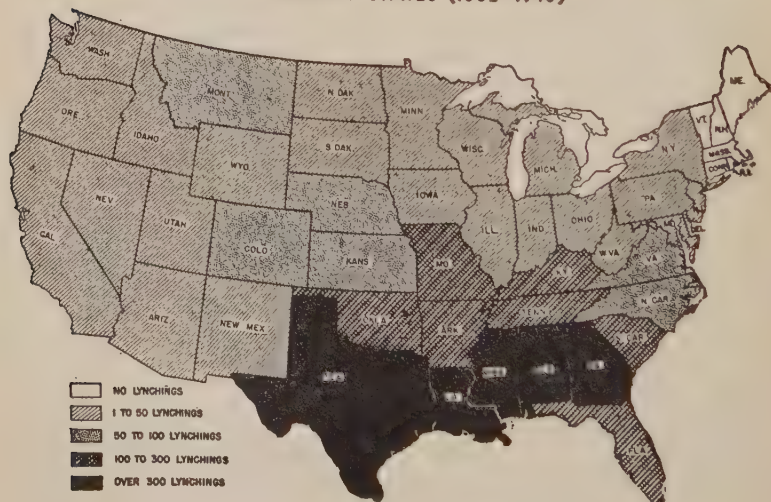
More typical was the reply of one man concerning the Bill of Rights: "It's the best thing that ever happened, but I don't know just what it says."

ALTHOUGH LYNCHING HAS DECLINED SHARPLY... NO YEAR SINCE 1882 HAS BEEN FREE OF IT!

LYNCHINGS, WHITES AND NEGROES (1882-1946)



LYNCHINGS BY STATES (1882-1945)



currence of these abuses in America, they placed a series of express prohibitions upon the national government.

Government Not the Real Villain

Government can still prove itself an enemy of civil liberty. One need only recall the recent events of world history to be sure of that. And yet the history of our own country since 1789 shows that the most serious threats to civil rights have come from other sources than the government in Washington. They have come from state and local governments, and most particularly from private persons and organizations.

This is not to say that there is no danger whatsoever to our rights in the political activity that goes on in the nation's capital. The record of the House Un-American Activities Committee should serve as a reminder, if one be needed, of the ease with which federal power can be abused—with a resultant endangering of personal rights.

On the other hand, the fact that the federal government through the years has encroached but little on these rights is shown by the almost total absence of decisions by the United States Supreme Court condemning agencies of the national government for having violated the Bill of Rights. The large number of Supreme Court decisions, particularly during the last twenty years, in which state or local governmental activity has been invalidated as encroaching upon civil liberty is indicative of the great danger to our rights which does exist at that level of government.

Positive Role for Government

It would not be correct to suggest that the development of a program of positive federal action to safeguard civil rights would mark a complete break with the traditions of the past. The Report of the President's Committee finds its title in a phrase from the Declaration of Independence—to *secure these rights*. Immediately following this phrase in the Declaration come the words—*governments are instituted among men*.

Thus the notion that government can protect civil rights as well as threaten them is not completely alien to our great political traditions. It is a notion that does not find expression in the Bill of Rights and that has not been borne out in extensive governmental practices—yet in the end it is not inconsistent with our highest principles.

The program of vigorous federal activity called for in the Civil Rights Report created certain problems for the Committee. One was the problem of finding an adequate legal basis in the Constitution for federal action safeguarding civil rights. Another was the problem of devising workable sanctions to be used in enforcing such a program.

Legal Basis for Government Action

We must remember that our national government possesses powers which are definitely limited under the Constitution. Nowhere in that document—least of all in the Bill of Rights—is any express power granted to the central government to take positive steps toward general protection of civil liberty in this country. Moreover, if this silence of the Constitution were not enough to make one give pause, certain adverse decisions of the Supreme Court offer a further barrier to federal action in support of civil rights. Following the Civil War, in the one great attempt in our history Congress has made to throw the weight of the national government behind the rights of the individual, seven civil rights laws were passed. Almost immediately this legislation was attacked as to constitutionality and in a series of decisions the Supreme Court declared important aspects of the program null and void, largely on the ground that the national government was overreaching its proper powers in undertaking to protect civil rights.

Adverse Court Decisions

The fate of the Civil Rights Act of 1875 illustrates the constitutional difficulties encountered by the program. This Act was designed to outlaw racial segregation from American life.

Specifically it forbade race discrimination by private persons in the operation of "inns, public conveyances on land or water, theatres, and other places of public amusement." This prohibition was declared unconstitutional by the Supreme Court in 1883 in the *Civil Rights Cases*. In its decision the Court asserted that the Constitution did not authorize Congress to protect civil rights against encroachment *by private persons*.

In spite of the silence of the Constitution and of the adverse decisions of the Supreme Court, the Report of the President's Committee hopefully concludes that the way is open to the development of a national program in defense of our rights. With respect to the hostile court decisions it points out that there are other Supreme Court cases in which federal civil rights legislation of varying types has been upheld. Moreover, it suggests that certain of the unfavorable rulings have always remained controversial and that it is possible, given a new opportunity to review the law of civil rights, the Court will change its mind as to some of these earlier rulings.

Government Intervention in Other Fields

With respect to the silence of the Constitution, the Committee observes in its Report that the Constitution is also silent about many other things which have long been held to be subject to governmental control or protection. There is not a word in the Constitution about agricultural production, price ceilings, stock exchanges, collective bargaining, old-age insurance or industrial monopolies; yet these and many other things have been held to fall within the regulatory powers of the federal government under the Constitution.

Two considerations led the President's Committee to conclude that the federal government does have broad constitutional power to protect civil liberty. One is the belief that the exercise of federal power for such a purpose would not be alien to the spirit of a Constitution which has long been liberally construed so as to render it adaptable to the changing needs of a democratic society. The other is the existence of

"several specific constitutional bases upon which a federal civil rights program can be built." No one of the eleven separate bases noted in the Report is regarded as sufficiently broad or express to support a comprehensive civil rights program, but "collectively . . . they provide an encouraging basis for action."

The Problem of Enforcement

The difficulty of finding adequate sanctions to back up a federal civil rights program is not minimized by the President's Committee, but it believes they can be found. Enforcing a law which seeks to protect the individual's civil rights against violation by both government officers and private persons is in many ways more difficult than enforcing an ordinary criminal statute. For one thing the victim in a typical civil rights case is often a person with little social prestige or economic standing, whereas his oppressor frequently enjoys respect in the local community. In such circumstances it is not easy to persuade the community to enforce the law. Furthermore, in so far as prejudice is a powerful motivating force in bringing about civil rights violations, the enforcement of laws is rendered even more difficult. It is obvious that the final elimination of prejudice from our society cannot be achieved by a governmental announcement that henceforth prejudice is outlawed!

Can Law Overcome Prejudice?

This inescapable conclusion has led many people to oppose civil rights legislation as unenforceable. Their rationalization is that you can't change human nature by legislation. For example, the enactment of fair employment practices laws, which seek to prevent racial and religious discrimination in private employment, is certain to encounter the opposition of many people on this ground. In the opinion of the President's Committee this argument misses the point. "It may be impossible to overcome prejudice by law, but many of the evil discriminatory

practices which are the visible manifestations of prejudice can be brought to an end through proper governmental controls." And again it is stated, "the achievement of full civil rights in law may do as much to end prejudice as the end of prejudice may do to achieve full civil rights."

The Committee does not dodge the fact that controlling the manifestations of prejudice by law is a little like treating the symptoms of a disease. Just as it is necessary to get at the causes of a disease if a complete cure is to be effected, so we must attempt to eliminate prejudice from American life if our personal liberties are to be made finally secure. This cannot be done quickly and it cannot be done by law alone. A final victory over prejudice will certainly require long-term educational efforts to teach people the value of our free way of life and of our civil rights traditions. It will require recognition of the truth that each man must respect his neighbor's rights if his own are to be safe. In the end it will also require long-term efforts of social reform designed to alleviate and remove economic insecurity and unwarranted social inequalities from our way of life, for these are the rotten fare upon which prejudice thrives.

In these long-term efforts, legislation can play a part—but a part only, for the establishment of a nobler social order in our land will depend to a very great extent upon the success which the school and the church can achieve in teaching the democratic principles of freedom and equality and the religious ideal of human brotherhood.

In the short-term effort to control the visible manifestations of prejudice, legislation can play a very important role. If the President's Committee lays more stress upon the short-term approach it is only because it is terribly impressed by the urgency of the problem and the limitation of time.

Five Weapons for Enforcement

To enforce legislation in support of civil rights the Committee recommends the use of five different sanctions. These

are criminal penalties, civil remedies, administrative orders, grants-in-aid and disclosure. The first two are traditional sanctions. The use of fines, prison terms, writs of injunction, and suits for damages are obviously useful means of enforcing such legislation as an anti-lynching law or a law forbidding interference with a qualified citizen's right to vote.

The enforcement of civil rights legislation by an administrative commission with power to receive complaints of law violations, to hold hearings, to negotiate settlements and to issue cease and desist orders is illustrated at the present moment in New York. In that state a fair employment practices statute has been enacted and its enforcement has been placed in the hands of a State Commission against Discrimination (SCAD). The President's Committee points out that this system may be used to enforce laws designed to eliminate discrimination in education, health, housing, and places of public accommodation.

The Committee recommends that the national government employ the leverage that it possesses in the grants-in-aid which it is now providing, or may in the future provide, to the states in support of education, public health services, public housing and similar purposes. The leverage would be used by conditioning these financial grants upon the elimination of all forms of racial and religious discrimination or segregation in their use by state governments.

This was one of the hardest decisions made by the Committee. Its members were impressed by the argument that federal financial aid is badly needed in backward areas where civil rights violations are numerous, and that in the long run this support can do much through improved educational facilities and the like to eliminate the ignorance and prejudice which are responsible for the violations. For this and other reasons a minority of the Committee members opposed the use of the federal grant-in-aid as a means of striking at segregation.

The Principle of Disclosure

Finally the Committee urged the enactment of legislation requiring private persons and organizations which attempt in any systematic way to influence public opinion to disclose pertinent facts about themselves for public examination. Concerning this somewhat novel recommendation the Report states,

The principle of disclosure is, we believe, the appropriate way to deal with those who would subvert our democracy by revolution or by encouraging disunity and destroying the civil rights of some groups. We have considered and rejected proposals which have been made to us for censoring or prohibiting material which defames religious or racial minority groups. Our purpose is not to constrict anyone's freedom to speak; it is rather to enable the people better to judge the true motives of those who try to sway them.

A PROGRAM OF ACTION

The Report of the President's Committee on Civil Rights is not limited to a philosophic consideration of the nature of civil liberty or of the importance of safeguarding our rights. A comprehensive program of action is set forth with specific recommendations under six headings. These recommendations may be summarized briefly as follows:

Better Machinery

1. *To strengthen the machinery for the protection of civil rights*, the Committee urges that the Civil Rights Section of the Department of Justice, established in 1939, be raised to the status of a Division headed by an Assistant Attorney General and be given ample manpower and resources to make possible more effective enforcement of federal civil rights legislation. A permanent advisory committee, similar to the President's Council of Economic Advisers, attached to the executive offices of the President, is also recommended. This body would keep a close watch over the state of civil liberty in America and through periodic reports advise the President of the need for further action. To provide a parallel body in the legisla-

tive department the Report urges the creation of a joint House-Senate committee on civil rights to receive and consider Presidential messages concerning this subject. Finally, the state governments are encouraged to establish similar enforcement machinery at the state and local levels.

New Legislation

2. *To strengthen the right to safety and security of the person*, the Committee recommends the adoption of new federal legislation which would include amendments to existing federal civil rights laws designed to correct recognized weaknesses and to bring them up to date, an anti-lynching act, and a law establishing a procedure for the settlement of claims for property and business losses resulting from the wartime evacuation of the Japanese Americans from the West Coast area.

3. *To strengthen the right to citizenship and its privileges*, the Report recommends action by both Congress and the states to end the poll tax as a voting prerequisite. Other federal laws are urged which would protect the right of qualified voters to participate in federal and state primaries and elections against certain types of interference, establish local self-government in the District of Columbia and give District residents representation in Congress and the right to vote in Presidential elections, modify the federal naturalization system to permit the granting of citizenship without regard to the race, color or national origin of applicants, and eliminate racial and religious discrimination and segregation from all branches of the Armed Services. Arizona and New Mexico are urged to grant the suffrage to their Indian citizens, and California and certain other states are urged to repeal their alien land laws and other legislation discriminating against aliens who are now ineligible for national citizenship because of race or national origin.

4. *To strengthen the right to freedom of conscience and expression*, the Committee recommends the enactment of federal and state laws which would require the disclosure of pertinent factual information by organizations seeking to influ-

ence public opinion. Action is also urged by Congress and the President to clarify the loyalty obligations of federal employees, and to establish standards and procedures by which the civil rights of public workers may be scrupulously observed by the government.

Toward Equality of Opportunity

5. *To strengthen the right to equality of opportunity*, a long series of federal and state laws is recommended. Among these would be a federal statute conditioning all federal grants-in-aid on the elimination of racial and religious discrimination and segregation from the programs which these grants help finance, federal and state fair employment practice laws, state fair educational and fair health practice laws, a federal law forbidding racial segregation in interstate commerce, and state laws guaranteeing equality of access to places of public accommodation without regard to race or religion. Moreover, the Committee urges Congress to enact a series of model civil rights laws for the District of Columbia, which would include the above measures and certain others as well, designed to make the city of Washington a true symbol of democracy both to our own people and to the entire world.

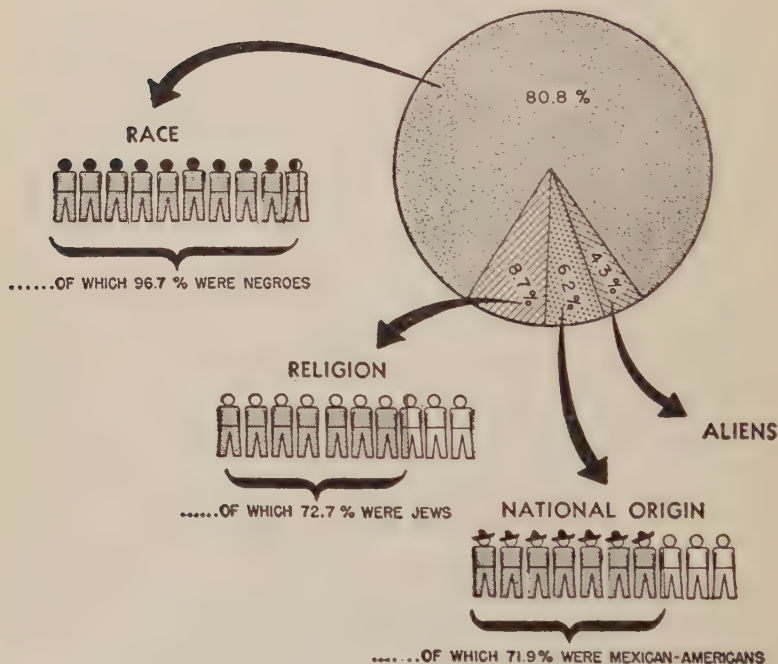
6. *To rally the American people to the support of a continuing program to strengthen civil rights*, the Committee finally recommends that the federal and state governments and private agencies join forces to sponsor a long-term campaign of public education to inform the people of the civil rights which are a part of their heritage and to encourage greater respect for and observance of these rights.

THE TIME IS NOW

Doubtless some people will react to the Report of the Civil Rights Committee by saying, "You want too much, and you want it too fast." In fact, this point of view is always encountered in one guise or another by the idealist or the re-

*The***BASES OF JOB DISCRIMINATION**

(COMPLAINTS TO FEPC, FISCAL YEAR 1943-44)

**THOSE CHARGED WITH DISCRIMINATION**

BUSINESS ----- 69.4 %



GOVERNMENT ----- 24.5 %



LABOR UNIONS ----- 6.1 %

former in the fields of race relations and human rights. He is told that the problem of race relations cannot be solved overnight, that it cannot be solved by law, and that the only hope for improvement lies in a slow, natural evolutionary change in society. Above all he is told that the problem can be solved only by the community in which it exists, without outside help and, in particular, without outside compulsion.

The Time Is Short

The President's Committee was terribly impressed by the urgency of our human rights problem in America and by the shortness of the time that today seems available for the solution of social problems. It is clear that we are living in a climactic period in world history. It seems quite certain that the tempo of social change has been speeded up to a point where momentous issues will be resolved one way or another in the next decade. We have been dealing with our Negro problem for eighty years. Admittedly we have made progress in the long and difficult transition from the Negro as slave to the Negro as full citizen in a democratic society. But we are still short of the goal. Can any sensible person believe that history will allow us a second eighty-year period in which to reach the goal? Or perhaps even a quarter of that period?

The members of the Civil Rights Committee have stated their "profound conviction" that the time has come for an immediate review of our civil rights problem comparable to those that have occurred twice before in our history—once during the formative years from 1776 to 1791 which began with the signing of the Declaration of Independence and ended with the writing of the Bill of Rights; the other at the time of the Civil War when the Union faced the issue whether it could exist "half-slave and half-free." The Committee further states that its reasons for believing that we need a new "sustained drive ahead . . . are those of conscience, of self-interest, and of survival in a threatening world. Or to put it another way, we have a moral reason, an economic reason, and an in-

ternational reason for believing that the time for action is now."

Moral Reason for Action

No modern nation has a greater heritage of freedom nor a more impressive philosophic tradition of liberty than has America. In such great state papers as the Declaration of Independence, the Bill of Rights, the Emancipation Proclamation and the Four Freedoms we have again and again stated our principles in noble and inspiring words. In one sense it is not surprising that we have not yet succeeded in putting our principles fully into practice, for a great moral or spiritual goal is never easy for man to attain.

The President's Committee makes it clear that it does believe we have made considerable progress toward the goals of human brotherhood and personal liberty for all men—perhaps as much as any people has ever made. It states, "No fair-minded student of American history, or of world history, will deny to the United States a position of leadership in enlarging the range of human liberties and rights, in recognizing and stating the ideals of freedom and equality, and in steadily and loyally working to make those ideals a reality. Whatever our failures in practice have been or may be, there has never been a time when the American people have doubted the validity of those ideals."

THE FOUR FREEDOMS

In the future days, which we seek to make secure, we look forward for a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peaceful life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of aggression against any neighbor—anywhere in the world.

—Franklin D. Roosevelt,
Address to Congress,
January 6, 1941.

Ideals vs. Practice

And yet the Committee is troubled by the extent to which our way of life is today endangered by our failure to come even closer to a realization of our ideals. "The pervasive gap between our aims and what we actually do is creating a kind of moral dry rot which eats away at the emotional and rational bases of democratic beliefs . . . there are certain continuing, quiet omnipresent practices which do irreparable damage to our beliefs." Chief among these "omnipresent practices" is surely our treatment of our minority racial groups.

The Report speaks of a community in the Southwest whose economic life is dependent upon the proximity of the town to an Indian reservation. Yet the good people of the town are guilty of the rankest sort of discrimination in denying Indians equality of opportunity to enjoy access to the community's facilities and services, or in recognizing Indians as full American citizens entitled to exercise the political privileges commonly associated with citizenship. Without doubt many of the white people of such a community hold the highest moral principles and religious beliefs and are utterly sincere in doing so. Yet can it be doubted that the gap between their principles and their practices has a corrupting influence the ultimate effects of which are shocking to contemplate? And similar gaps can be found in almost every community in America. No man should despair because he finds the realization of his ideals a continuously difficult thing. On the other hand, a people must beware lest it permit the corrupting forces of life to lead it too far off the path toward its spiritual goals.

Having reviewed many evidences of failure to achieve these goals, the Committee concludes that "*the United States can no longer countenance these burdens on its economic conscience, these inroads on its moral fiber.*"

The Economic Reason for Action

In an attempt to show that our failures in the civil rights field result in a drain upon our material as well as our spiritual

resources the Committee stresses the cost of prejudice and discrimination in jobs, goods, services and wealth. It quotes with favor words spoken by Eric Johnson when he was President of the United States Chamber of Commerce,

True economic progress . . . demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

The Committee points out that economic discrimination produces a vicious circle. "Discrimination depresses the wages and income of minority groups. As a result, their purchasing power is curtailed and markets are reduced. Reduced markets result in reduced production. This cuts down employment, which of course means lower wages and still fewer job opportunities." Moreover, discrimination reduces the number of skilled laborers, and, as a result, the limits of our productive effort. During the last war it was necessary to train workers who might otherwise have been available had not minorities been denied opportunities for training and experience.

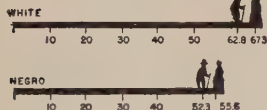
Costs to Society

The Report also takes notice of the economic cost of discrimination in the increased expense to society of maintaining duplicate facilities and services for segregated peoples, in the extent to which job discrimination forces members of minority groups onto relief rolls, in the high cost of providing police, fire and health protection in the backward areas in which minorities are forced to live by economic discrimination, by law, by restrictive covenants and by social pressure, and in the costs of investigations, trials and property destruction which result from race riots and other civil rights violations.

Finally, the Report suggests that people relegated to second-class citizenship have inevitably reacted by developing

DISCRIMINATION CONTRIBUTES TO POOR HEALTH

LIFE EXPECTANCY OF NEGROES
10 YEARS LESS THAN WHITES...
(1940)



...MATERNAL DEATH RATE OF NEGROES
IS MORE THAN DOUBLE THAT OF WHITES
(1940)



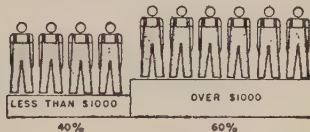
SOME UNDERLYING CAUSES

1 POOR ECONOMIC STATUS OF NEGROES...

INCOME OF NEGRO WORKERS (1939)

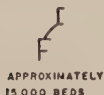


INCOME OF WHITE WORKERS (1939)



2 DISCRIMINATION IN MEDICAL FACILITIES...

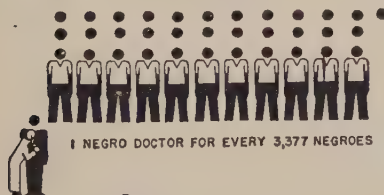
IN 1946 ONLY 1% OF ALL HOSPITAL BEDS
WERE AVAILABLE TO NEGROES (10% OF
POPULATION)



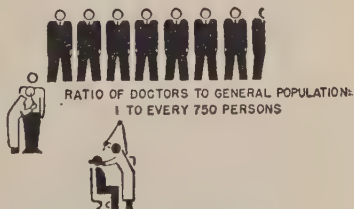
...99% OF ALL HOSPITAL BEDS AVAILABLE TO OTHERS



3 SHORTAGE OF TRAINED NEGRO PERSONNEL... (1942)



IN 1940 THERE WERE ONLY 7,192 TRAINED
AND STUDENT NEGRO NURSES...



...AND ONLY 1,471 NEGRO DENTISTS

...TO SERVE A NEGRO POPULATION OF 13,000,000

second-class personalities and by living second-class lives. "What we have lost in money, production, invention, citizenship, and leadership as the price for damaged, thwarted personalities—these are beyond estimate."

Having reviewed many evidences of the economic cost of our civil rights shortcomings, the Committee concludes that *"the United States can no longer afford this heavy drain upon its human wealth, its national competence."*

The International Reason for Action

The greatest sense of urgency in solving our remaining civil rights problems arises, in the opinion of the President's Committee, from the international situation. As the Committee put it, "Our foreign policy is designed to make the United States an enormous, positive influence for peace and progress throughout the world." Yet we are finding that our race relations record and the civil rights violations which still exist in America are handicapping our efforts on the world scene. The Committee quotes from a statement made by Dean Acheson in 1946, when he was Acting Secretary of State:

... the existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries. We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. While sometimes these pronouncements are exaggerated and unjustified, they all too frequently point with accuracy to some form of discrimination because of race, creed, color, or national origin. Frequently we find it next to impossible to formulate a satisfactory answer to our critics in other countries; the gap between the things we stand for in principle and the facts of a particular situation may be too wide to be bridged. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries. We will have better international relations when these reasons for suspicion and resentment have been removed.

Kin to the Whole World

The Report reminds us that our American population is unique in that every race and nationality known to the world is a part of it. Consequently our treatment of a minority here at home may be regarded as an outrage by a foreign country, an entire continent or even a great part of the world's population. Our Indian population is numbered in the hundreds of thousands; there are thirty million Indians in the Americas. Our orientals are numbered in the hundreds of thousands also; in Asia they are numbered in the hundreds of millions. Similarly, the treatment we give the ten per cent of our population that is Negro is taken in all lands as an indication of the American attitude toward all dark-skinned peoples—who make up two-thirds of the world's population.

Having reviewed the evidence concerning the effects our civil rights record is having upon our foreign relations, the Committee concludes that *"the United States is not so strong, the final triumph of the democratic ideal is not so inevitable that we can ignore what the world thinks of us or our record."*

Hope for the Future

Full acceptance of the Civil Rights Report will not be achieved without controversy or without difficulty. But there is no reason to despair of the final result. Up to now our nation has always met its great challenges. Often it has met them slowly, and sometimes for a while with less than complete

U. N. COMMISSION ON HUMAN RIGHTS

In its Charter, the United Nations is pledged to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Pursuant to this pledge, the Economic and Social Council of the U.N. has established a Commission on Human Rights, to recommend an International Bill of Rights and to report on any other matters having to do with civil liberties. This Commission met in Geneva during the closing weeks of 1947, and worked especially on the text of a Bill of Rights for the entire world. Its report will be submitted to the Economic and Social Council, and will undoubtedly provoke serious discussion of the basic human rights and of methods to guarantee them everywhere.

understanding. But in the end they have been met. In particular, we have always finally met the challenge of preserving our free way of life and the liberty of the individual.

The President's Committee looks to the future with great hope:

... we have seen nothing to shake our conviction that the civil rights of the American people—all of them—can be strengthened quickly and effectively by the normal processes of democratic, constitutional government. That strengthening, we believe, will make our daily life more and more consonant with the spirit of the American heritage of freedom. But it will require as much courage, as much imagination, as much perseverance as anything which we have ever done together.

UNITED CHRISTIAN ACTION FOR EUROPEAN RECOVERY

The Federal Council of the Churches of Christ in America has called all Protestants to forthright action for the European Recovery Program. The churches can put this program on a high level of purpose and accomplishment.

The spirit and motivation of the program are crucial to its success. It can easily be sabotaged by delay, by reduction to mere "relief," or by humiliating restrictions. Or it can be "one of history's most momentous affirmations of faith in the curative power of freedom and in the creative capacity of free men."

Sunday, February 22nd, all local churches are requested to vote support of E.R.P. and Councils of Churches are urged to hold city-wide demonstrations and send representatives to a National Assembly in Washington, D.C., the second week in March.

Readers of *Social Action*, won't you help your church act, stimulate a city-wide rally, and write your Congressmen?

Social Action Success Stories

A clearing house for stories of successful social action projects is greatly needed, in order that inspiration and "know-how" may be shared more widely. SOCIAL ACTION proposes to publish such stories from time to time, if readers will contribute them. Manuscripts should be limited ordinarily to 500 words; they may deal with race, housing, industrial relations, international cooperation, or any other important areas of social concern. Reports on significant ventures of past years, as well as on current projects, are solicited.—The Editors

How a Theatre Changed Its Racial Policy

By RUFUS CORNELSEN

A certain theatre in a metropolitan New Jersey community continued to discriminate against its Negro patrons by admitting them only to balcony seats. This matter was incidentally commented upon at an informal gathering in a private home. I was among those present. Out of the discussion developed a decision and formula to work for a change in the theatre's policy.

It was decided that a young Negro friend and I would accompany two young women to the theatre one night and attempt to gain admittance to the orchestra floor. We anticipated that with only one Negro in the group, entrance might be obtained without too much embarrassment. Just to make sure, however, that we would not be refused tickets, I volunteered to don my clerical collar and vest. The local paper was

Rufus Cornelsen is pastor of the Emanuel Evangelical Lutheran Church in New Brunswick, New Jersey.

then informed of our plan and was asked for editorial support. We secured a promise that in case of admittance without discrimination, editorial comment praising the change in policy would be forthcoming. Next we got in touch with several sympathetic citizens and requested them to respond to the newspaper editorial with letters to the editor and to the theatre management, offering further public and private commendation of the new policy.

Admission for Four

On the appointed evening, we proceeded with our strategy as planned. I approached the ticket booth and encountered no difficulty in purchasing admission for four. When I handed the tickets to the usher he received them haltingly and his face strained with perplexity as he noticed that one of us was a Negro. We met no restraint as we took our seats in the middle section of the orchestra floor. We stayed through the full double feature and were not disturbed, although the ushers circled several times, intently examining the four faces of our party, apparently to verify what they thought they had seen in a moment of surprise. Evidently the clerical habit did the trick, for only the day before our Negro friend had been refused admission.

A few days later the promised editorial was published and soon after letters to the editor appeared, all acclaiming the changed policy. Complimentary letters and telephone calls were also received by the theatre management. What were they to do now? They were veritably on the spot. To continue the old practice in face of their new popularity would so highly dramatize their discrimination against the Negro that only damaging community disapproval could result. The only alternative was to adopt the new democratic policy with which they were already being credited. As common American business sense would dictate, they followed the latter course. This theatre has since continued to admit all Negro patrons without restriction to all seats in the house.

Negroes are People In Columbus

By CHESTER M. STEPHENSON

When you pick up your morning newspaper in Columbus, Ohio, you are *not* greeted by "John Doe, Negro, Was Booked on Charges of Disorderly Conduct in Police Court Last Night." Why? Because Negroes are people in Columbus today. Racial tags are "out" in news stories due to the efforts of a youthful social action group, The Vanguard League.

The League was organized in 1940 by a group interested in eliminating racial discrimination. The present membership, about one thousand, is bi- or multi-racial.

One Purpose

According to the official organ of the League, *Vigilance*, "The Vanguard League has one purpose—to eliminate all racial discrimination." However, most of the League's activities have been concerned with eliminating discrimination against Negroes. This does not imply that the League will not, and does not, fight discrimination in any form. It simply means that in Columbus, Ohio, about 99 per cent of racial discrimination is aimed at the Negro race.

In regard to methods of operation, *Vigilance* states: "The Vanguard League has one method—interracial non-violent direct action." Specifically, this means letters, bulletins, conferences, picketing, and court action. It employs any one or all these methods to accomplish its purposes. The League chooses a specific case of discrimination and then uses all methods necessary to correct the undesirable situation. For instance, an offender may have his attention called to a matter of discrimination by a letter or a visit from a League committee. If the situation is not corrected, there may be picketing, court action,

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or both. The above measures have usually resulted in conferences between League representatives and the offenders; and in most cases the difficulties have been corrected.

Court Action and Picketing

Early in 1941, the League filed eight cases against Loew's Theatres under the Ohio Civil Rights law, and a case against an employee of the R.K.O. Palace who refused to admit two colored girls. The League picketed another theatre magnate in protest to the policy of discrimination in his theatres. As a result of these actions, the League reported on July 5, 1941:

Somebody said that it couldn't be done—but the Vanguard League did it!!! It tackled a twenty-five year old local system of discrimination against, and segregation of Negroes in public places. Letters were sent, conferences were held, cases filed and picket lines formed. And, *in less than a year*—The Result—last Friday, representatives of the Vanguard League and attorneys for the Loew's and R.K.O. Theatres conferred and agreed that these theatres immediately abolish forever such discrimination and segregation in Columbus. All cases which the League had on file against the operators of those theatres were settled out of court. At a similar conference Monday, between Vanguard representatives and a representative for the theatres operated by the J. Real Neth interests, discrimination and segregation of Negroes in Neth-operated shows was forever abolished. Thus, a brief period of planned effort, culminating in these two conferences, made possible the removal of racial bars from Loew's Ohio and Broad, R.K.O. Palace and Grand and Neth's Clinton, Eastern, Markham and State Theatres.

Discrimination in restaurants was another challenge to this action group. After nine months of effort, which included the filing of thirteen suits against Columbus restaurant owners, the Ohio Restaurant Association announced a change in policy and "informed its members to conform to the law and serve all persons regardless of color . . ."

Jobs Without Discrimination

The right to purchase services without discrimination is not the League's only area of interest. Services cannot be pur-

chased without funds; and funds depend upon jobs. By April, 1942, the local Curtiss Wright plant was hiring colored girls. However, this did not begin until after the League had filed affidavits in February, 1942, with the federal Fair Employment Practices Commission, charging racial discrimination at the Curtiss Wright plant and the United States Employment Service. In July, 1942, due to the efforts of the Vanguard League, Western Union agreed to hire colored messengers. The Clark Baking Company, in August, 1943, hired a colored staff for its Mt. Vernon Avenue store, after the store had been picketed. The League is also working to end discrimination in the public utility fields. Conferences have been held about jobs for Negroes with the Bell Telephone Company, the Ohio Gas Company, and the Columbus and Southern Ohio Electric Company.

Other Battlefronts

The League is working against "Jim Crowism" in education. Members of the League are carrying on a fight to have teachers hired on the basis of their merit only, and to secure equal educational facilities in colored sections of the city.

If restrictive covenants could be broken, segregation in regard to housing would be well in hand. Although many cases have been filed, the League has been none too successful to date in its court cases involving restrictive covenants.

The League is not altogether a "fighting" organization. It has a side that most white people neither see nor suspect. Good conduct campaigns are carried on among Negro groups so that all Negroes will be "good advertisements" for their "race." This is one way of combatting the practice often adopted by many people of judging all Negroes by the "bad" and "shiftless" ones.

To repeat, "The Vanguard League has one purpose—to eliminate all racial discrimination"; and it "has one method—interracial non-violent direct action."

On To Action

After reading Robert K. Carr's stimulating article and the Report of the President's Committee on Civil Rights, I asked myself the question which you must be asking, "What can I do to see that this subject gets wide attention and is put into action?"

It was a rather simple matter to secure inexpensive reprints of the report from PM and distribute them widely among my friends and fellow church members. It is important that thousands of people become acquainted with this report. This issue of the magazine furnishes an excellent introduction to the full report.

My next move was to request Galen Weaver to write the February issue of Together on the Report. He wrote a crisp digest which will whet the appetite of any reader and encourage groups to see what can be done to improve the civil rights in their own community.

The Civil Rights Report makes very specific recommendations for legislation, so I requested our Legislative Committee to study the recommendations and propose suitable action for the Council for Social Action and the churches. For example, there is current legislation before Congress designed to give Japanese residents in this country the opportunity to become citizens. This is the last large group which does not have this right and the removal of the bar would compensate for some of the suffering they endured during the war relocation program.

My last action does not appear to be related to the Report, but it was. I sent a check to the Council for Social Action to help in its work. It was pertinent action because our Christian faith is the source and ultimate "security" for all our civil rights. The C.S.A. is the agency of one Protestant denomination to help assure these rights for minority peoples and to arouse the conscience of the majority "to Secure These Rights" for all.

Ray Gibbons